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JAN 16 2014

CLERK, U.S. DISTRICT COURT  
ST. PAUL, MN

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Ms. DENISE Blomker

Plaintiff(s),

vs.

Ms. GALLY Jewell  
Secretary of the U.S. Department  
of the Interior

Case No. 14cv174 JRT/TM  
(To be assigned by Clerk of District  
Court)

DEMAND FOR JURY  
TRIAL

YES ☐ NO ☐

Defendant(s).

(Enter the full name(s) of ALL plaintiffs  
and defendants in this lawsuit. Please  
attach additional sheets if necessary.)

EMPLOYMENT DISCRIMINATION COMPLAINT

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name Ms. Denise Blomker  
Street Address 1546 Clemson Drive  
County, City Dakota, Eagan  
State & Zip Code MINNESOTA 55122  
Telephone Number 651-226-6695

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address



where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

a. Defendant No. 1

Name *MS. GALLY JEWELL Secretary of the U.S.*  
*Department of the Interior*  
 Street Address *Department of the Interior*  
*U.S. Fish and Wildlife Service*  
 County, City *1849 C Street NW*  
*Washington, DC 20240*  
 State & Zip Code

b. Defendant No. 2

Name

Street Address

County, City

State & Zip Code

**NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.**

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g., Additional Defendants 2.c., 2.d., etc.)

**JURISDICTION**

The Court has jurisdiction over this action under 28 U.S.C. § 1331.

3. This employment discrimination lawsuit is based on (check only those that apply):

- a. ☒ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et. seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin. **NOTE:** *In order to bring suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission (EEOC).*
- b. ☒ Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et. seq.*, for employment discrimination on the basis of age (age 40 or older). **NOTE:** *In*

order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission (EEOC).

- c. ☐ Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et. seq.*, for employment discrimination on the basis of disability. **NOTE:** In order to bring suit in federal court under the Americans with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission (EEOC).
- d. ☐ Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et. seq.*, for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance. **NOTE:** In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office (EEO) representative or agency.
- e. ☒ Other (Please describe.)  
*Retaliation*

4. If you are claiming that the discriminatory conduct occurred at a location other than the defendant's address above, please provide the following information on where the conduct occurred:

• Bishop Henry Whipple Federal Bldg.  
 1 Federal Drive; Fort Snelling, MN 55111-4056  
 • 5600 American Blvd. West Suite 998  
 Bloomington, MN 55437-1458

(Street Address) (City/County) (State) (Zip Code)

5. When did the discrimination occur? Please give the date or time period:

2010 TO Present (2014)  
 (See 10. TO 72. )

#### ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

a. ☒ Yes Date filed: \_\_\_\_\_

b. ☐ No

7. Have you received a Notice of Right-to-Sue Letter?

- Right to Sue Letter - EMAIL sent to Ms. Sharon Eller Director Office of Civil Rights requesting them. 12/30/12
- EMAIL sent to Ms. Eller of intent 12/6/13. CIVIL ACTION
- FORMAL Letter mailed to Ms. Eller of CIVIL ACTION 12/11/13

- a. ☐ Yes If yes, please attach a copy of the letter to this complaint.
- b. ☒ No

NATURE OF THE CASE

8. The conduct complained of in this law suit involves (check only those that apply):

- a. ☐ Failure to hire me
- b. ☐ Termination of my employment
- c. ☐ Failure to promote me
- d. ☐ Failure to accommodate my disability
- e. ☒ Terms and conditions of employment differ from those of similar employees
- f. ☒ Retaliation
- g. ☒ Harassment
- h. ☐ Other conduct (please specify):

i. Did you complain about this same conduct in the charge of discrimination, referred to in number 6 above?

- ☒ Yes ☐ No

9. I believe that I was discriminated against because of my (check all that apply):

- a. ☒ Race
- b. ☐ Religion
- c. ☒ National origin

d. ☒ Colore. ☒ Gender *Sex Female*f. ☒ Disability *physical + Mental (PTSD)*g. ☒ Age (my birth year is: 1953)h. ☒ Other (please specify):*SEXUAL HARASSMENT*

i. Did you state the same reason(s) in the charge of discrimination, referred to in number 6 above?

☒ Yes☐ No

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct (i.e. how, where, and when). Each paragraph must be numbered separately, beginning with number 10. Please write each allegation of discrimination in a separately numbered paragraph.

10.

*See ATTACHED 10. TO 72.*



*ADDITIONAL FACTS*  
*Denise Blomker 1/15/14*

**10. Button Incident**

**February 24, 2010 (Late Afternoon Approx. 4:30 PM)**

I had a question about the acquisition I was typing for a partnership button Tom Will wanted me to order for him. He came to my desk and answered my question. At that point he stated he wanted to put one of smaller buttons (I was ordering) in the center of a larger button on the jacket I was wearing. He moved his finger toward my button and stopped approximately three inches from putting his finger between my breasts. His words to me were "I can put a button right there", finger point and smirk on his lips. I kept my head position down as I watched where his finger was pointing. Couple days after the incident I did speak to Joint Venture Chief Barb Pardo and explained what happened. This incident was brought to the attention of other women in the workplace approx. February 25 and 26, 2010 respectively - Refuge Support Assistant Margie Maldonado and Migratory Birds and State Programs Administrative Officer Terry Prax. Refuge Support Assistant Bonnie Podlogar was not given this information until much later (I would say between a month to month in a half ago).

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**11. Erection Incident**

**September 9, 2010**

I had been speaking to Bob Russell. As I moved away from Bob's cube Tom Will started toward me from his cube and sing song called out my name. As he came toward me I noticed he was sexually aroused (having an erection). He had a smirk on his face. He walked up and stood extremely close to me that I stepped back from him. Bob Russell pushed back his chair to see who I was talking to and very quickly turned himself and the chair back to the computer. Bob Russell is the person I have as a witness to this incident. He asked a question about SkillsSoft I answered it. Couple days after the incident (approx. September 9, 10, 13, 2010) I did convey this incident to my Chief (JV) Barb Pardo. I have talked to other women about the incident (approx. September 9, 10, 13, 2010) Margie Maldonado and Terry Prax. Refuge Support Assistant Bonnie Podlogar was not given this information until much later (I would say between a month to month in a half ago).

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**12.** On several occasions during the months of February and March 2010, while in my work area, 1.) Tom Will walked over to the candy basket on the window sill, picked it up, swung the candy basket and then he picked up the candy that had fallen onto the floor and put it back into the candy basket. 2.) dug into the plastic container of candy, moving the candy about and making extra noise while he was playing with the candy. Both times he had a smirk on his face when he did this and I believe he did this to get my attention. Refuges Roads Coordinator Brandon Jutz, whose work area is near mine, witnessed this occurring.

*His behavior was out of character.*

*James Blumenthal  
1546 Minnesota Avenue  
Casper, WY 82501*

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District of Minnesota  
Office of the Clerk  
Edward E. Burgess Federal Bldg.  
and United States Courthouse  
316 North Robert Street  
Suite 100  
St Paul, Minnesota*

*55701-1460*